

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:23-md-03076-KMM

In RE:

FTX CRYPTOCURRENCY EXCHANGE  
COLLAPSE LITIGATION

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**ORDER**

THIS CAUSE comes upon the Agreed Joint Motion Regarding Domestic VC Defendants' Motions to Dismiss.<sup>1</sup> *See* (ECF No. 217). Following the Court's Initial Scheduling and Case Management Order ("Initial Scheduling Order"), Plaintiffs were required to file consolidated amended complaints within 45 days of the entry of that Order.<sup>2</sup> *See* (ECF No. 61). In response, Defendants were permitted 45 days from the filing of an amended complaint to respond. *See id.* On August 8, 2023, Plaintiffs filed an amended complaint ("Operative Complaint") as to the Domestic VC Defendants. Now, Plaintiffs and Domestic VC Defendants jointly request an order that memorializes the joint briefing schedule from the Court's Initial Scheduling Order and sets forth appropriate briefing procedures and reservations of rights.

**I. SCHEDULING ORDER**

As discussed in the Initial Scheduling Order, the briefing schedule will be as follows:

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<sup>1</sup> "Domestic VC Defendants" refers to Thoma Bravo, LP, Sequoia Capital Operations, LLC, Altimeter Capital Management, LP, Multicoi Capital Management LLC, Tiger Global Management, LLC, Paradigm Operations LP, Ribbit Capital, L.P., K5 Global Advisor, LLC and SkyBridge Capital II, LLC.

<sup>2</sup> "Plaintiffs" refer to Brandon Orr, Leandro Cabo, Ryan Henderson, Michael Livieratos, Alexander Chernyavsky, Gregg Podalsky, Vijeth Shetty, Chukwudozie Ezeokoli, Michael Norris, Edwin Garrison, Shengyun Huang, Julie Papadakis, Vitor Vozza, Kyle Rupprecht, Warren Winter and Sunil Kavuri.

1. The Operative Complaint relevant to the Domestic VC Defendants was filed on August 8, 2023. *See* (ECF No. 157).

2. Because the Domestic VC Defendants are permitted 45 days to respond to the Operative Complaint, Domestic VC Defendants shall file any motion to dismiss by September 22, 2023.

3. Plaintiffs will file their omnibus opposition to the Domestic VC Defendants' motion to dismiss by November 6, 2023.

4. The Domestic VC Defendants shall file any reply in support of their motion to dismiss by December 6, 2023.

## **II. PROCEDURE**

1. All filings will comply with the Court's instructions set forth in ECF No. 216.

2. ECF No. 157 will serve as the operative pleading as to the Domestic VC Defendants. In addition to the eight cases listed on page 1 of the Operative Complaint, the Operative Complaint shall serve as the operative pleading for administrative purposes as to the following two cases pending in this MDL: *O'Keefe v. Sequoia Capital Operations, LLC*, No. 1:23-cv-20700 (S.D. Fla.) and *O'Keefe v. Temasek Holdings (Private) Limited*, No. 3:23-cv-3655 (N.D. Cal.).

## **III. RESERVATION OF RIGHTS**

1. The Operative Complaint shall be deemed the operative pleading as against Domestic VC Defendants for administrative purposes only to facilitate administration of this MDL. The Operative Complaint does not supersede and moot the pending separate actions that have been transferred to this Judicial District for pretrial proceedings under 28 U.S.C. § 1407.

2. All parties reserve the right to seek a transfer of venue under 28 U.S.C. §1404 for the convenience of the parties and/or witnesses, once pretrial proceedings on common issues have been completed within this MDL proceeding. In addition, Domestic VC Defendants reserve the right (if any) under 28 U.S.C. §1407 and *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 34-40 (1998) to seek transfer of any action pending against them in this MDL to the Judicial District that such Domestic VC Defendants contend would have been proper under 28 U.S.C. §1391 at the time the action was first commenced.

3. Subject to the provisions in this Order, the filing of the Operative Complaint shall not waive any Plaintiff's contentions relating to venue, subject-matter jurisdiction, personal jurisdiction, including in connection with any complaint that is a part of these consolidated matters, or choice of law, all of which are specifically preserved. Likewise, answering or otherwise responding to the Operative Complaint shall not waive any Domestic VC Defendant's defenses, objections, motions, exceptions, claims, or contentions related to lack of subject-matter jurisdiction, choice of law, personal jurisdiction, improper venue, *forum non conveniens*, or any other defense or objection that may be specific or unique to any particular Plaintiff, and all such defenses, objections, motions, exceptions, claims, or contentions specific to any particular Plaintiff shall be specifically preserved, including in connection with any complaint that is a part of these consolidated matters.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 8th day of September, 2023.

  
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K. MICHAEL MOORE  
UNITED STATES DISTRICT JUDGE

cc: All counsel of record